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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,172	06/27/2003	Jan Chipchase	884A.0009.U1(US)	8235
29683	7590	10/22/2008	EXAMINER	
HARRINGTON & SMITH, PC 4 RESEARCH DRIVE, Suite 202 SHELTON, CT 06484-6212			RHEE, JANE J	
			ART UNIT	PAPER NUMBER
			1795	
			MAIL DATE	DELIVERY MODE
			10/22/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,172	<b>Applicant(s)</b> CHIPCHASE ET AL.	
	<b>Examiner</b> JANE RHEE	<b>Art Unit</b> 1795	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Rejections Withdrawn***

1. The 35 U.S.C. 102(e) rejection of claims 1,2,5-10 anticipated by Pratt et al. has been withdrawn due to applicant's amendment filed on 7/7/08.
2. The 35 U.S.C. 103(a) rejection of claims 3-4,11-12 unpatentable over Pratt et al. in view of Hockaday has been withdrawn due to applicant's amendment filed on 7/7/08.

### ***New Rejections***

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1-12, 22-25 are rejected under 35 U.S.C. 102(b) as being unpatentable over Hockaday (6326097) in view of Pratt et al. (20030194589).

As to claim 1, Hockaday discloses a fuel supply device comprising, a fuel reservoir (figure 6a number 33 col. 6 line 60) for storing hydrogen; a fuel interface for connection with the mobile electronic device (figure 6a); and a transfer mechanism for transferring comprising hydrogen fuel from the reservoir to the fuel interface and into the connected mobile electronic device (figure 6a number 33 and 32).

Hockaday fail to disclose a data interface configured to receive data from a mobile electronic device and wherein the fuel interface is comprised in the data interface.

Pratt et al. teaches a data interface configured to receive data from a mobile electronic device and comprised in the fuel interface (figure 3 number 210) for the purpose of providing the fuel consumption rate and energy conversion efficiency (paragraph 0034).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Hockaday with a data interface configured to receive data from a mobile electronic device and is comprised in the fuel interface in order to provide the fuel consumption rate and energy conversion efficiency (paragraph 0034).

As to claim 2, Hockaday discloses wherein the fuel supply device automatically transfers fuel to the mobile electronic device when the fuel interface connects with a corresponding fuel interface of the mobile electronic device (figure 6a where number 33 connects to).

As to claims 3-4, Hockaday teaches wherein the fuel reservoir is user-refillable or wherein the fuel reservoir is a user replaceable container (col. 9 lines 49-52).

As to claim 5, Hockaday discloses wherein the fuel is a liquid containing hydrogen (col. 6 line 6).

As to claim 7-9, Hockaday fail to disclose wherein an identifier is transferred between a mobile electronic device to which fuel is supplied and the fuel supply device,

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wherein the identifier identifies the mobile electronic device to which the fuel is supplied and wherein the identifier identifies the type of fuel for supply to the mobile electronic device.

Pratt teaches an identifier is transferred between a mobile electronic device and the fuel supply device for the purpose of providing information of the mobile electronic device (paragraph 0018).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Hockaday with an identifier in order to provide information of the mobile electronic device (paragraph 0018).

(paragraph 0018) as taught by Pratt et al.

As to claim 10, Hockaday fail to disclose comprising metering means for controlling the amount of fuel dispensed.

Pratt et al. teaches metering means for measuring the amount of fuel remaining the fuel container (paragraph 0025).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Hockaday with metering means for measuring the amount of fuel remaining the fuel container (paragraph 0025).

As to claims 11-12, Hockaday teaches a supporting stand for the mobile electronic device wherein the supporting stand comprises a cradle for receiving the mobile electronic device (figure 5B number 26) and a detector for detecting when the cradle receives a mobile electronic device (figure 5A number 107) and a controller responsive to the detector for enabling transfer of fuel from the fuel reservoir to the

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mobile electronic device (once the mobile electronic device is engaged in the cradle than the fuel tanks that are inserted in the cavity starts fueling the fuel cell col. 6 lines 61-62).

As to claim 22, Hockaday teaches that the data interface is a wireless interface (figure 6b, where number 33 is to be connected to).

As to claims 23-25, the use of the identifier is intended use. It has been held that a recitation with respect to the manner in which the claimed particle is intended to be employed does not differentiate the claimed article from a prior art article satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987)

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-12,22-25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE RHEE whose telephone number is (571)272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jane Rhee/  
Primary Examiner, Art Unit 1795